

1837 Noncode Acts

1837-4-1

SECTION 1. Be it enacted by the General Assembly of the State of Indiana, That a seminary of learning shall be, and the same is hereby established in the town or vicinity of Greencastle, in Putnam county and State of Indiana, to be known by the name and style of "The Indiana Asbury University," which shall be founded and maintained forever, upon a plan the most suitable for the benefit of the youth of every class of citizens, and of every religious denomination, who shall be freely admitted to equal advantages and privileges of education, and to all the literary honors of said university, according to their merit, under the direction of twenty-five trustees, to wit: Robert R. Roberts, John Cowgill, A. C. Stevenson, William H. Thornburgh, William Talbott, Rees Hardesty, Joseph Crow, John W. Osborn, Thomas Robison, Hiram E. Talbott, James Montgomery, Daniel Sigler, Isaac Matkins, Tarwin W. Cowgill, William Lee, William K. Cooper, Calvin Fletcher, Gamaliel Taylor, Martin M. Ray, Isaac C. Elston, S. E. Leonard, W. W. Hitt, Joseph A. Wright, Tilman A. Howard, and Jacob Hayes, who with their successors, shall be Trustees of said institution, and shall hold their first meeting at the place of its location, on the first Wednesday of March, 1837.

That from and after the first day of September, 1847, the number of the board of trustees of said University shall be reduced to twenty-one, who shall have and exercise all the powers delegated to said board by the act to which this is an amendment; and said board of trustees, when so reduced, are hereby authorized and empowered so to classify the members thereof into three divisions, that one-third of the board shall go out of office each year, and shall determine by lot what members thereof shall belong to each of said classes.

That the term of service of all the members of said board of trustees who shall, on the said first day of September, 1847, have been in office for the period of three years or longer, shall expire on said day, and the Indiana annual conference or conferences of the Methodist Episcopal church, at their next meeting thereafter, shall fill said vacancies, or so many thereof as may be necessary to make said board of the number provided for by this act; and said board, at its next regular meeting hereafter, shall classify the members so elected according to the provisions of said first section.

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SECTION 2. That the said trustees and their successors, by the name of "The Trustees of the Indiana Asbury University," shall be a body politic and corporate; and as such forever to exist: and are hereby made able and capable in law, to have, possess, purchase, receive, enjoy, and retain, hold or dispose of, for the use of said university, lands, tenements and annuities, and other hereditaments in fee simple, or for a term of years, life, lives, or otherwise; and also money, bonds, bills, notes, goods, chattels, interests or effects, of whatever nature, quality or kind soever; by the gift, bargain, sale or devise of any person

or persons, body politic or corporate, capable of making the same; and the same to grant, demise, sell, alien and confirm, in such manner as they shall judge most conducive to the interests of said university. This corporation shall not hold a greater amount of real estate, (exclusive of college edifices,) than the value of fifty thousand dollars.

The real estate which by said act said board of trustees is authorized to hold for the use of said University, shall, after the passage of this act, be exempt from any taxation whatsoever, either for State or county purposes.

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SECTION 3. That the said trustees and their successors, by the name and style of "The Trustees of the Indiana Asbury University," as aforesaid, shall be capable in law to sue and be sued, plead and be impleaded, in any court or courts of record, before any judge, judges or justices with this State, and elsewhere, in all manner of suits, complaints, pleas, causes, matters and demands, of whatsoever kind, nature or form they may be; and all and every other matter, nature and thing therein to do, in as full and effectual a manner, as any person or persons, bodies politic or corporate, of like nature, within this State, may or can do.

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SECTION 4. That the Indiana Annual Conference, or such other conference or conferences as may be formed out of the same, by the consent of the Indiana Conference, shall fill all vacancies in the board of trustees as may occur by death, resignation or otherwise, at the first meeting of such conference or conferences, after any vacancy may happen; thus keeping up the full number of twenty-one trustees forever. And the said first named conference, or such other conference as may be associated with it by its assent, shall, annually appoint any number of visitors not exceeding nine, who, or so many as shall convene with the board of trustees, shall constitute a joint board, in the permanent appointments of all officers of the said University. Whenever a majority of all the trustees shall declare any one of their body incompetent, for want of moral character; the board of trustees shall declare their seats vacant, and shall thereafter make a temporary appointment to fill the vacancy, until the meeting of the next annual conference, which shall then fill the same as aforesaid. And the visitors, or so many of them as shall act, shall report to the conference next succeeding their appointment, the condition of the university, and whether it is conducted in conformity with its charter. And at the time of the admission of any conference to the participation in the appointments aforesaid, the Indiana Conference, and such other conference as it may assent to associate with, shall divide the appointing power of visitors and trustees in such manner as they may mutually agree upon.

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SECTION 5. That the said trustees of the Indiana Asbury University, before entering upon the trust reposed in them, shall

severally take the following oath of office, to be administered to them by any judge in Indiana, that is to say: I, (A. B.) do solemnly swear, (or affirm) that I will to the best of my skill and judgment, faithfully and truly discharge the duties of a trustee of the Indiana University, pursuant to the laws and constitution of the State of Indiana, the constitution of the United States, and the charter granted by the State of Indiana, establishing said university, without favor, affection or partiality, so help me God. And the said trustees shall have power to appoint, annually, a president of the board from their own body, a treasurer and a secretary; and the treasurer, so appointed shall give bond, with such security, and in such penalty as the trustees shall think proper, payable to the State of Indiana, for the use of said university. The bond, shall by the treasurer and his securities be acknowledged, before the clerk of the circuit court of Marion county, and by him certified and recorded in his office. A copy of which shall be evidence in any suit against such treasurer and his securities, for a breach thereof. The bond shall be conditioned for the true and faithful discharge of his duty as treasurer of said university, and for the safe keeping of all money belonging to the institution, or which shall be put into, or from time to time come to his hands. The bond may be renewed whenever the said trustees shall require it. It shall be the duty of the said treasurer, to receive and safely keep, all money belonging to said university, and shall not pay out any of the money, except upon the order of the president, counter-signed by the secretary. For any breach of said bond, the treasurer and securities may be proceeded against as upon other official bonds, in the proper courts in Indiana. The bonds, notes, obligations, or conveyances of real, personal, or mixed property belonging to said university shall be deposited with the secretary, subject to such rules and regulations as the board of trustees may from time to time prescribe. The said treasurer shall, moreover, once in every year, and as much oftener as the trustees may require, render to them an account of all money in his hands, and all money by him paid out stating from whom or what source received and to whom paid. And in case the treasurer shall fail or refuse to perform any of the duties required of him by LOCAL ACTS 1837, C.4, as amended, the trustees of said university shall have power to declare his office vacant, and proceed to the election of a treasurer to fill the vacancy. It shall be the duty of every treasurer, on leaving the office, by removal, resignation, or otherwise, upon the order of the board, signed and counter-signed as aforesaid, to pay and deliver over, all money and other property in his hands, belonging to said university, into the hands of his successor in office. And it shall be the duty of the secretary, to keep a fair record of all the proceedings of the board of trustees. At the close of every session lay them before the president for his signature, and to do and perform all other acts, which by LOCAL ACTS 1837, C.4, as amended, may require of him. It shall be the duty of the president of the board, to preside in all their meetings, when present, and to perform all the duties which are usually performed by the presiding officers in all similar bodies. In case of his absence at the time of any meeting of the board, it shall be the duty of the trustees to appoint a president pro tem.

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SECTION 6. That the said trustees, and their successors shall have authority to make and use a common seal, with such devices and inscriptions as they shall think proper, and the same to change, alter and renew, at pleasure; and shall also, at any regular meeting of the board, when one or more of the visitors shall be present, from time to time, forever hereafter, have full power and authority, to constitute and appoint permanently, in such manner as they shall deem expedient, a president of the university or college of faculties, together with such professors, and other instructors as may at any time be necessary to form an efficient faculty, for the proper instruction of students in the arts and sciences, in the learned professions, and in all the branches of liberal and professional instruction, as taught in the best universities in our country. And the said president and professors, with such other instructors as may, by the trustees be included, shall be known and distinguished by the name of "The Faculty of the Indiana Asbury University" And in that name, shall be capable of exercising such powers and authorities, rights and privileges in the institution, as shall be delegated to them according to the by-laws enacted by the trustees; and the said board of trustees, may at any meeting make a temporary appointment of any of the foregoing faculty, in the absence of such visitor or visitors, until a regular meeting, at which one or more of such visitors may be present. And a majority of the said twenty-one trustees, together with a majority of the said nine visitors, may, at any time, in joint meeting, by resolution to that effect, declare the appointment or office of any of the faculty or instructors vacant, and proceed to fill such vacancy, at such joint meeting, or any future meeting they may designate.

Said board of trustees shall have power whenever in their opinion the interests of said University may require it, to organize and establish as a part of said University, a professional school or schools, whether of law or medicine, at such place or places in the State as they may think best; and shall have full power to appoint professors and teachers thereof, subject to the general provisions of the act to which this is an amendment, and to such rules and regulations as said board may from time to time prescribe.

Whenever any board shall deem it conducive to the interests of said University to establish a law or medical department thereof, whether the same shall be located at Greencastle or elsewhere within the State, they shall have power to hold and possess all the real estate and other property necessary therefor, as fully as they now have power to hold real estate for said University by virtue of the act to which this is an amendment: Provided, That nothing herein contained shall authorize said board to hold real estate for the use of any one professional school so established of a greater value than thirty thousand dollars.

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SECTION 7. That the said trustees and their successors in office, shall meet in stated annual meetings, to be appointed by their own ordinances, and at such other times as by their said ordinances they shall direct, for the purpose of transacting such business for the

prosperity and welfare of the institution as may come before them; in all which meetings nine trustees being present shall constitute a quorum for transacting business. But a majority of said twenty-one trustees shall be required, to make, pass and establish ordinances, rules and by laws, not contrary to the constitution and laws of this State, for the government of said University, and the proper education of its students, and by them to delegate to the president, professors and other teachers, such powers and authorities as they may judge expedient for the government of the institution. And the said majority of trustees shall also have power, at any legal meeting to alter or annul any rules or regulations by them established; and to do all matters and things which they may deem expedient for the faithful fulfilment of their trust.

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SECTION 8. That the said trustees and their successors, shall have authority, whenever in their opinion the funds of the institution will justify the measure, to admit, gratuitously, in whole, or in part, as the respective cases may require, such person or persons as they may think proper to enjoy the benefits of tuition in said University. And said trustees are hereby authorised to receive subscriptions, donations and bequests, either in money, personal, real, or mixed property, for the purpose of enabling them to meet the expenditures requisite in establishing and continuing said institution.

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SECTION 9. That for the purpose of stimulating and encouraging the students in their progress, and promoting the general interests of the institution, the said trustees and faculties shall have full power and authority, once in every year, or oftener, as they by an ordinance shall direct, to hold a public commencement, with exercises suited to the occasion, and to graduate with literacy honors, such students as shall, from time to time, be found to have merited the same, by their character and acquirements. And said trustees and faculty shall have power and authority, in furtherance of the aforesaid objects, to confer upon the deserving any and all degrees in the arts, and in the learned professions, whether honorary or otherwise, in as full and ample a manner, as in any similar institution; and may issue, when they deem it expedient, testimonies or diplomas, bearing the seal of said University, as certificates of the same, signed by the president of the University. It shall also be the duty of the faculty, prior to each commencement, to hold a public examination, in presence of such trustees as may be able to attend, and of other citizens, at which time, all the students of said University shall be examined in the several branches of learning which they have respectively studied; that the fidelity of the teachers, and the diligence of their pupils may appear.

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SECTION 10. This act is hereby declared to be a public act, and shall be construed liberally, for every beneficial purpose, hereby intended; and no omission to use any of the privileges hereby granted shall cause a forfeiture of the same, nor shall any gift, grant,

conveyance or devise, to or for the benefit of the corporation, be defeated or prejudiced by any misnomer, misdescription or informality whatever: Provided, That the intention of the parties can be shown or ascertained beyond reasonable doubt.